

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000136



# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PR/nj-16063	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/CH2003/000136	International filing date (day/month/year) 24 February 2003 (24.02.2003)	Priority date (day/month/year) 24 February 2002 (24.02.2002)
International Patent Classification (IPC) or national classification and IPC B25C 5/02		
Applicant SPRICH, Samuel		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of \_\_\_\_\_ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 20 August 2003 (20.08.2003)	Date of completion of this report 06 July 2004 (06.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2003/000136

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language English, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☒ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages 1-11, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages 2-10, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* 1 received by this Authority on 11 March 2004 (11.03.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages 1/3-3/3, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/CH 03/00136

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

### 2. Citations and explanations

1. This report makes reference to the following document:

D1: US-A-5 692 667 (CHI WILLIAM H N) 2 December  
1997 (1997-12-02).

2.1. The expression "mounting" used in claim 1 is unclear and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claim is not clearly defined (PCT Article 6).

2.2. Conventional stapling devices have two limbs that are movable in relation to each other and joined by a hinge. The limbs are formed by a stapling unit and a mounting supporting an anvil (cf. the application: stapling unit 201, anvil 208, mounting 202; cf. D1: handle 15, anvil portion 14, base 10).

2.3. Page 9 (lines 4-5 and 14-15) of the description and figure 1 show that the mounting according to the invention differs from the mounting of the stapling device mentioned in 2.2 in that the mounting according to the invention can be attached to the mounting according to 2.2.

2.4. Hereinafter, the report will proceed from the

interpretation of the term "mounting" according to the application.

3.1. Document D1 is regarded as the prior art closest to the subject matter of claim 1. Said document discloses (taking into consideration the objections with respect to clarity indicated above):

a device for positioning a plurality of pages for a stapling device, the stapling device having a mounting (10), and the device having a paper stop (20) held by the mounting and a displacement mechanism for displacing the paper stop.

3.2. Therefore, the subject matter of claim 1 differs from the known stapling device in that the device has a mounting that can be attached to the stapling device, and in that the displacement mechanism is designed such that the paper stop can be displaced with respect to said mounting.

3.3. Therefore, the problem to be solved by the present invention can be regarded as that of rendering the known stapling device user-friendly and flexible.

3.4. The solution to the problem of interest as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons: flexibility can be achieved through modularity, whereby the displacement mechanism is not arranged on the stapling device.

None of the prior art documents renders such a solution obvious.

3.5. Claims 2-10 are dependent on claim 1 and therefore

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

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likewise meet the PCT requirements for novelty and  
inventive step.